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503.32492VX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. OTA et al.  
Serial No.: 08/816,891  
Filed: March 13, 1997  
For: MATRIX PANEL DISPLAY APPARATUS AND DRIVING  
METHOD THEREFOR WHEREIN AUXILIARY SIGNALS  
ARE APPLIED TO NON-SELECTED PICTURE  
ELEMENTS  
Group: 2675  
Examiner: C. Nguyen

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REQUEST FOR ISSUANCE OF NEW OFFICE ACTION  
CONSIDERING ALL OF PENDING CLAIMS 17-34

Assistant Commissioner for Patents  
Washington, D.C. 20231

August 10, 2001

Sir:

On August 6, 1998, the Examiner issued a first Office  
Action in the present Rule 62 divisional application in which  
the Examiner improperly

(1) assumed that the applicants had  
elected the species of Fig. 22 for  
prosecution on the merits in the present  
Rule 62 divisional application,

(2) withdrew claims 23-33 from  
consideration as allegedly not being  
readable on the allegedly elected species  
of Fig. 22, and

(3) considered claims 17-22 and 34 on the  
merits as being readable on the allegedly  
elected species of Fig. 22.

On August 17, 1998, the applicants filed a petition  
pointing out that the Examiner's actions in the Office Action  
of August 6, 1998, were improper, and requesting that

(1) the Office Action of August 6, 1998, on the merits be withdrawn,

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(2) a new Office Action requiring an election of species be issued, and

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(3) the period for response be restarted.

On Monday, February 8, 1999, the applicants' representatives at the law firm discussed the petition of August 17, 1998, in a telephone interview with SPE Richard Hjerpe of Art Unit 2774 who was acting on behalf of SPE Steven Saras of Art Unit 2775 to which the present application was then assigned. During the interview, SPE Hjerpe indicated that the petition of August 17, 1998, was going to be granted, and that it was not necessary for the applicants to take any further action within the six-month statutory period for response set in the Office Action of August 6, 1998, which was expiring on the day of the interview, i.e. Monday, February 8, 1999.

That same day, February 8, 1999, SPE Hjerpe faxed a copy of an interview summary with a mailing date of February 8, 1999, to the applicants' representatives at the law firm indicated below in which SPE Hjerpe stated as follows:

Discussed that the previous Office action is vacated. No response from applicant is necessary and a new Office action will be prepared in due course. A decision to applicant's petition in support of this position will be mailed shortly.

A copy of the interview summary for the interview of February 8, 1999, is attached hereto.

However, the applicants have never received a decision on the petition of August 17, 1998, or a new Office Action even

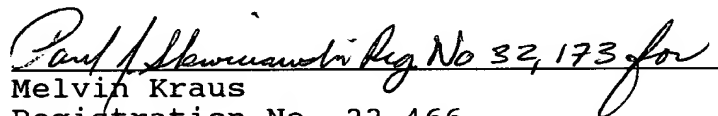
though more than two and one-half years have passed since the interview of February 8, 1999.

It is understanding of the applicants' representatives that the application has been charged to SPE Steven Saras of Art Unit 2675 to which the application is now assigned since May 8, 2001.

It is respectfully requested that a new Office Action be issued as soon as possible. Furthermore, in view of the fact that the prosecution of the application has now been delayed by more than three years since the improper Office Action of August 6, 1998, was issued, it is respectfully requested that any election of species requirement be waived, and that the new Office Action consider all of the pending claims, i.e. claims 17-34, on the merits.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

  
Melvin Kraus  
Registration No. 22,466

MK/RSS  
(703) 312-6600

Attachment



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/316,591	03/13/97	OTA	14 503,324929X1

LM51/0208  
ANTONELLI TERRY STOUT & KRAUS  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON VA 22209

EXAMINER NGUYEN, C
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ART UNIT 2775	PAPER NUMBER
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DATE MAILED: 02/08/99

### INTERVIEW SUMMARY

503.824929X1

All participants (applicant, applicant's representative, PTO personnel):

- (1) MR. MELVIN KRAUS (3) MLK/KRS  
(2) MR. RICHARD HIERPE (4) \_\_\_\_\_

Date of Interview FEBRUARY 8, 1999

Type: ☒ Telephonic ☐ Televideo Conference ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No If yes, brief description: \_\_\_\_\_

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Agreement ☒ was reached. ☐ was not reached.

Claim(s) discussed: 17-34

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Identification of prior art discussed: NONE

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed that the previous Office action is vacated. No response from applicant is necessary and a new Office action will be prepared in due course. A decision to applicant's petition in support of this ~~petition~~ position will be mailed shortly.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

*Richard Hierpe*